

REMARKS

With entry of this amendment, 1-3 and 30-66 are pending in this application, claims 1-3 and 41-44 of which stand rejected, claims 30-40 of which stand allowed, and claims 45-66 of which have been newly added. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-Obviousness-Type Double Patenting

Claims 1-3 and 30-40 stand rejected under the judicially created doctrine of obviousness-type double patenting over various claims of U.S. Patent Application Ser. No. 10/087,090. Without acquiescence that claims 1-3 and 30-40 of the present application are not patentably distinct over the claims of U.S. Patent Application Ser. No. 10/087,090, Applicant submits herewith a Terminal Disclaimer that is believed to overcome the double patenting rejections of these claims, and as such, respectfully requests withdrawal of the obvious-type double patenting rejections of claims 1-3 and 30-40.

Claim Rejections-35 U.S.C. §102

Claims 1-3 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 6,370,255 issued to Schaub et al. ("Schaub"). Applicant respectfully traverses this rejection, since Schaub does not disclose each and every element required by these claims, as amended.

In particular, independent claim 1 has been amended to explicitly require the signal path with the frequency warping function to have an input for receiving a digital input signal from a microphone and an output for conveying a digital output signal to a transducer. In contrast, the frequency warping disclosed in Schaub is performed in the side branch of a control loop. Thus, to the extent that Schaub discloses a signal path having a frequency warping function, such signal path

is a side branch that does not include an input for receiving a digital input signal from a microphone and an output for conveying an output digital signal to a transducer that converts it into an audio output.

Thus, Applicant submits that independent claim 1, as well as the claims depending therefrom (claims 2-3), are not anticipated by Schaub, and as such, respectfully request withdrawal of the §102 rejections of these claims.

#### Claim Rejections-35 U.S.C. §103

Claims 41-44 stand rejected under 35 U.S.C. §103, as being obvious over Schaub. Applicant respectfully traverses this rejection, since Schaub does not disclose, teach, or suggest the combination of elements required by these claims. In particular, as discussed above, the signal path that is disclosed in Schaub as having an input for receiving a digital input signal from a microphone and an output for conveying a digital output signal to a transducer does not have a frequency warping function, as required by independent claim 1 from which claims 41-44 depend.

Thus, Applicant submits that claims 41-44 are not obvious in view of Schaub, and as such, respectfully request withdrawal of the §103 rejections of these claims.

#### Claims-Allowed

Applicant graciously acknowledges the allowance of claims 30-40.

#### New Claims

Applicant submits that newly added claims 45-66 find support in the originally filed application and are patentable over the prior art.

#### Conclusion

Based on the foregoing, it is believed that, with entry of this amendment, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,



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